

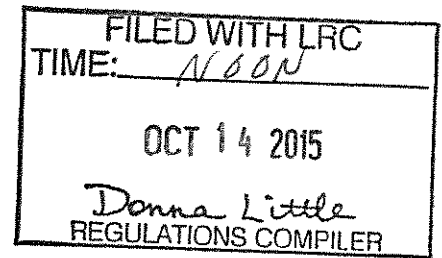
301 KAR 2:083

Holding and intrastate transportation of captive cervids

This administrative regulation regulates the holding and transportation of cervids.

Significant Changes

This amendment phases out the noncommercial captive cervid permit, but grandfathers the current existing permit holders for the remaining life of the captive cervids.



1 TOURISM, ARTS AND HERITAGE CABINET
2 Kentucky Department of Fish and Wildlife Resources
3 (Amendment)
4 301 KAR 2:083. Holding and intrastate transportation of captive cervids.
5 RELATES TO: KRS 150.010(41) [~~150.025, 150.280~~], 150.290, 150.725, [~~150.730, 150.735,~~
6 150.740
7 STATUTORY AUTHORITY: KRS 150.025(1), 150.280, 150.720, 150.730, 150.735
8 NECESSITY, FUNCTION AND CONFORMITY: KRS 150.025 authorizes the department to
9 regulate the buying, selling, or transportation of wildlife. KRS 150.280 authorizes the department
10 to promulgate administrative regulations relating to propagating and holding of wildlife. KRS
11 150.720 authorizes the department to promulgate administrative regulations pertaining to the
12 importation and holding of cervids, including privately-owned and farm-raised cervids. KRS
13 150.730 authorizes the department to issue or deny permits to hold captive cervids. KRS 150.735
14 authorizes the department to promulgate administrative regulations relating to the expansion of
15 captive cervid facilities and the transfer of permits. This administrative regulation establishes the
16 requirements for holding and intrastate transporting cervids in Kentucky.
17 Section 1. Definitions. (1) "Captive cervid" means a cervid that is privately owned, born and
18 raised in captivity, and not considered wildlife as established in KRS 150.010.
19 (2) "Captive cervid permit" means a permit issued by the Kentucky Department of Fish and
20 Wildlife Resources that is required to hold cervids in captivity and does not include shooting
21 preserves as permitted under 301 KAR 2:041.

1 ~~(3) [(2)]~~ "Cervid" means a member of the family Cervidae.

2 ~~[(3) "Commercial captive cervid permit" means a permit for propagation and taking of captive~~
3 ~~cervids by any legal hunting or slaughter methods, which allows the permit holder to sell, offer~~
4 ~~to sell, trade, or barter captive cervids, parts thereof, or products produced by captive cervids.]~~

5 (4) "Flop tag" means a commercial plastic ear tag used to identify livestock.

6 (5) [~~"KDFWR" means the Kentucky Department of Fish and Wildlife Resources.~~

7 ~~(6)]~~ "Line post" means a post in a fence that is not a corner or end post.

8 ~~(6) [(7)]~~ "Noncommercial captive cervid permit" means a permit issued prior to March 1, 2016
9 that allows a person to possess captive cervids that are not intended for sale, offered for sale,
10 traded, or bartered.

11 Section 2. Fencing and Holding Requirements. (1)(a) An exterior fence shall be at least eight (8)
12 feet above ground level for its entire length, and consist of twelve and one-half (12 1/2) gauge
13 woven wire, fourteen and one-half (14 1/2) gauge high-tensile woven wire, wood planks, or
14 chain link.

15 (b) A single or double strand of barbed wire strung across the top to bring the total fence height
16 to eight (8) feet shall be acceptable.

17 (c) Strands of barbed wire shall not be more than six (6) inches apart and shall not be more than
18 five (5) inches from the top of the [~~forementioned~~] fencing as established in subsection (1) and
19 (2) of this section.

20 (d) Spacing between vertical wires shall not exceed six and one-half (6 1/2) inches for captive
21 deer or species whose adult size is less than 400 pounds and twelve (12) inches for captive elk or
22 species whose adult size is 400 pounds or more.

23 (e) If two (2) woven wire fences are combined, one (1) above the other, the woven wire fences

1 shall be overlapped at least six (6) inches and firmly attached to each other at intervals no greater
2 than three (3) feet.

3 (f) The fence bottoms shall be installed to provide not more than three (3) inches of ground
4 clearance.

5 (2) Right-of-way.

6 (a) The fence right-of-way shall be cleared for a distance of six (6) feet on each side.

7 (b) If the fence is a property boundary fence, the fence right-of-way shall be cleared for a
8 distance of six (6) feet on the inside only.

9 (c) If dead timber with a height greater than the distance of the fence exists on the permittee's
10 property, it shall be felled.

11 (3)(a) Fence posts shall extend a minimum of eight (8) feet above the ground and shall be of
12 sufficient strength to maintain the fence integrity.

13 (b) Pine wood posts shall be treated.

14 (c) Posts shall be set to a minimum depth of three (3) feet.

15 (d) T-posts shall be installed according to manufacturers' specifications.

16 (4) Line posts.

17 (a) Wooden line posts shall be a minimum of four (4) inches in diameter and shall not be spaced
18 more than twenty-four (24) feet apart.

19 (b) Steel pipeline posts shall:

20 1. Be a minimum of two and three-eighths (2 3/8) inches in outside diameter;

21 2. Weigh a minimum of three (3) pounds per foot; and

22 3. Not be spaced more than twenty-four (24) feet apart.

23 (c) Metal "T" posts shall be a minimum of one and one-quarter (1.25) pounds per foot and shall

- 1 be spaced no more than twenty (20) feet apart.
- 2 (d) If the woven wire is not high tensile, there shall be a wooden or steel pipe post every sixty
3 (60) feet.
- 4 (5) Corner and end posts.
- 5 (a) Wooden corner and end posts shall be a minimum of five (5) inches in diameter.
- 6 (b) Steel pipe corner and end posts shall be a minimum of two and seven-eighths (2 7/8) inches
7 in outside diameter.
- 8 (c) Corner and end posts of other materials shall be of sufficient strength to maintain the fence
9 integrity and shall be approved by the department prior to installation.
- 10 (6) Gates shall be:
- 11 (a) Substantially constructed to meet the specifications of the fence; and
- 12 (b) Equipped with at least one (1) latching and one (1) locking device.
- 13 (7)(a) Swinging water gaps and stream crossings shall be constructed to equal or exceed the
14 standards of the fence.
- 15 (b) [~~These~~] crossings shall be adequate to prevent ingress and egress during high water.
- 16 (c) Permissible water gaps are established in subparagraphs 1. through 4. of this paragraph. [as
17 follows:]
- 18 1. Swinging gates constructed to match the contour of the stream supported by cable or hinge
19 (larger water gaps);
- 20 2. Pipe with swinging barrier (larger water gaps);
- 21 3. Pipe with fixed mesh barrier (smaller water gaps); and
- 22 4. Heavy gauge woven barrier contoured to fit the gap (smaller water gaps).
- 23 (8) If topographic, natural or other conditions exist that enable cervids to pass through, under, or

1 over the fence, the permittee shall be required to supplement the fence with additional, stronger
2 or higher fence posts, special grading, additional wire to increase fence height or other measures
3 to prevent escape.

4 (9) Maintenance. The fence shall be maintained in a game-proof condition at all times.

5 (10) A noncommercial captive permit holder shall:

6 (a) Separate all adult males and females with fencing as established in Section 2 of this
7 administrative regulation;

8 (b) Not allow breeding, either by natural or artificial insemination; and

9 (c) Not introduce any additional captive cervids to the facility.

10 Section 3. Capture and Handling Facilities. (1) Each captive facility shall have an approved
11 handling facility or device, such as a squeeze chute or crush, which facilitates inspection,
12 handling or capture of an individual animal.

13 (2) If a permittee's facility does not have the handling or capture facilities listed in subsection (1)
14 of this section, alternatives such as dart guns, tranquilizers or other devices which immobilize an
15 animal shall be approved by the department before being used.

16 Section 4. Tagging. (1) Captive cervids shall be identified in accordance with the Kentucky
17 Department of Agriculture's Chronic Wasting Disease [~~Agriculture—CWD~~] program
18 requirements established in 302 KAR 20:066.

19 (2) Captive cervids over six (6) months old shall be uniquely identified with a plastic ["]flop["]
20 tag in at least one (1) ear that is clearly visible and identifiable.

21 (3) The department shall [~~KDFWR may~~] approve one of the alternatives for plastic ["]flop["]
22 tags established in paragraphs (a) through (c) of this subsection for bona fide zoos, nature
23 centers, or similar educational institutions upon written request; [~~One (1) of the following may~~]

1 ~~be substituted for ear tags or other approved forms of identification:]~~

2 (a) Lip or ear tattoo;

3 (b) Microchip; or

4 (c) Branding.

5 Section 5. Ingress and Egress. (1) The permit holder shall be responsible for immediately
6 capturing or destroying escaped animals upon discovering their escape.

7 (2) If the permit holder is unable to capture an escaped animal within forty-eight (48) hours from
8 discovering its escape, the permit holder shall report each escape to the department [KDFWR] by
9 telephone [(1-800-858-1549)].

10 (3) The permit holder shall send [~~then file~~] a written report to the Kentucky Department of Fish
11 and Wildlife Resources [~~(KDFWR), #1 Sportsman's Lane, Frankfort, Kentucky 40601, ATTN:~~
12 ~~Captive Cervid Permits~~)] within ten (10) days, describing what escaped and the reason for the
13 escape.

14 (4) The permit holder shall [~~also~~] report known ingress of wild cervids into the enclosure by
15 sending [~~filing~~] a written report to the department at the same address established in subsection
16 (3) of this section [~~KDFWR (KDFWR, #1 Sportsman's Lane, Frankfort, Kentucky 40601,~~
17 ~~ATTN: Captive Cervid Permits)~~].

18 (5) The department or any peace officer may seize, capture, or destroy escaped animals or those
19 that have ingressed if necessary.

20 Section 6. Space Requirements. (1) For species whose adult weight is less than 400 pounds, each
21 individual animal shall be allowed at least 1,000 square feet of space.

22 (2) One (1) individual animal of a species whose adult weight is 400 pounds or more, shall
23 require at least 1,500 square feet of space, with each additional animal requiring an additional

1 1,000 square feet of space.

2 Section 7. Prohibited Species. Except for cervids legally held prior to November 12, 2002, a
3 captive cervid permit shall not be issued for the species established in subsections (1) through (4)
4 of this section ~~[following]~~:

- 5 (1) Genus Cervus spp., except Cervus elaphus nelsoni;
- 6 (2) Genus Axis spp.;
- 7 (3) Roe deer (Capreolus capreolus and Capreolus pygargus); or
- 8 (4) Hybrids thereof.

9 Section 8. Captive Cervid Permits. (1) Permit application and issuance. An application for a new
10 or renewed captive cervid permit shall be processed in accordance with the provisions of KRS
11 150.730.

12 (2) A captive cervid permit shall be valid only for the property and facility identified in the
13 application and that is inspected as established ~~[provided]~~ in subsection (11) ~~[Subsection (4)]~~ of
14 this section ~~[Section]~~. A cervid shall not be moved into a new or expanded facility until the
15 facility has been issued a captive cervid permit by the department ~~[KDFWR]~~.

16 (3) ~~[(a)]~~ Zoos and other facilities fully accredited by and in good standing with the American
17 Zoo and Aquarium Association ~~[(AZA)]~~ shall not be required to obtain or renew a ~~[KDFWR]~~
18 captive cervid permit, but ~~[- Zoos and]~~ facilities ~~[certified but]~~ not accredited by the American
19 Zoo and Aquarium Association ~~[AZA]~~ shall be required to obtain and renew a ~~[KDFWR]~~ captive
20 cervid permit.

21 (4) ~~[(b)]~~ A ~~[commercial]~~ captive cervid permit shall be required for a facility owned or leased by
22 a person ~~[persons]~~ wishing to hold ~~[sell, offer to sell, trade, or barter]~~ captive cervids.

23 (5) A new noncommercial captive cervid permit shall not be issued to a facility after February

1 28. 2016 ~~[A person shall not sell, offer to sell, trade, or barter native cervids obtained from the~~
2 ~~wild].~~

3 ~~(6) [(e) A noncommercial captive cervid permit shall be required for a person wishing to possess~~
4 ~~captive cervids, but who do not intend to sell, offer for sale, trade, or barter cervids.~~

5 ~~(d)] All wild cervids shall be removed from the facility prior to initial inspection.~~

6 ~~(7) [(e)] A permit shall identify the species and numbers of cervids being held.~~

7 ~~(8) [(2)] Duration.~~

8 (a) A ~~[eommercial]~~ captive cervid permit shall be valid for one (1) year beginning March 1
9 through the last day of February, and may be renewed annually upon payment of the annual fee
10 and proof of compliance with all applicable statutes and administrative regulations.

11 (b) A noncommercial captive cervid permit shall be valid for three (3) years beginning March 1
12 through the last day of February, and may be renewed every third year upon payment of the fee
13 and proof of compliance with all applicable statutes and administrative regulations.

14 (9) A holder of a noncommercial captive cervid permit prior to March 1, 2016, shall be allowed
15 to hold captive cervids for the life of the animals, after which the permit shall not be valid.

16 (10) [(3)] Transfers. A captive cervid permit may be transferred if an existing and currently
17 permitted facility is sold or leased to a person or entity who shall maintain and operate the
18 facility pursuant to ~~[in accordance with the provisions of]~~ KRS 150.735(3).

19 (a) The original captive cervid permit holder who is transferring the permit shall be compliant
20 with all provisions of this administrative regulation prior to transfer.

21 (b) Prior to transfer of the permit to a new owner or lessee, the facility shall be inspected for
22 compliance as provided by subsection ~~(11) [(4)]~~ of this section.

23 (c) The purchaser or lessee of the facility shall;

1 1. apply for transfer of the existing captive cervid permit on a department [KDFWR] captive
2 cervid permit transfer application form;

3 2. Attach[-] A copy of the deed indicating change of ownership or the lease agreement between
4 the parties conducting the transfer; and

5 3. Send all [~~shall be attached to a completed transfer~~] application materials [~~form and sent~~] to the
6 department at [KDFWR,] #1 Sportsman's Lane, Frankfort, Kentucky 40601, ATTN: Captive
7 Cervid Permits within thirty (30) days after the inspection.

8 (d) A transferred captive cervid permit may be renewed by the new owner or lessee completing a
9 captive cervid permit application.

10 (e) A noncommercial captive cervid permit shall not be transferred.

11 (11) [(4)] Inspections.

12 (a) Before a captive cervid permit or noncommercial captive cervid permit is issued, renewed or
13 transferred, each facility or facility expansion shall pass an inspection that certifies it is in
14 compliance with all applicable statutes and administrative regulations.

15 (b) Upon completion of a facility or facility expansion, or if a facility is to be sold or otherwise
16 transferred, the permit applicant or holder shall notify the department [KDFWR] to request an
17 inspection that [~~which~~] shall be conducted within thirty (30) days of receipt of the request.

18 (c) Each facility shall be inspected annually after issuance of a captive cervid permit or
19 noncommercial captive cervid permit to certify and document that the facility is in compliance
20 with this administrative regulation.

21 (d) A captive cervid facility inspection form shall be completed by a department [KDFWR] law
22 enforcement captain, who shall then forward the original copy to department headquarters
23 [~~KDFWR Headquarters~~] for processing.

1 (5) Revocation or suspension.

2 (a) The department ~~[A person identified by a KDFWR law enforcement officer as being in~~
3 ~~violation of a Kentucky statute or administrative regulation pertaining to the holding of captive~~
4 ~~cervids]~~ shall issue ~~[be issued]~~ a notice of violation~~[;]~~ in the form of a certified letter to ~~[from the~~
5 ~~commissioner.] A person who is not in~~ ~~[receiving a notice of violation shall have his or her~~
6 ~~permit suspended, until which time he or she comes into]~~ compliance with this ~~[all applicable~~
7 ~~statutes and]~~ administrative regulation, 302 KAR 20:066, or a Kentucky statute pertaining to the
8 holding of captive cervids ~~[regulations]~~.

9 (b) The department shall suspend the permit of a person who has received a ~~[Failure to come into~~
10 ~~compliance with all applicable statutes and administrative regulations within sixty (60) days~~
11 ~~from the date the]~~ notice of violation until the person complies with this administrative
12 regulation and applicable statutes ~~[is received shall result in a citation being issued]~~.

13 (c) The department shall issue a citation to a person who has failed to comply with this
14 administrative regulation or applicable statutes within sixty (60) days from the date of the notice
15 of violation.

16 (d) If convicted, the department shall:

17 1. Revoke the ~~[his or her]~~ permit; and

18 2. Seize ~~[may be revoked and may cause]~~ the captive cervids ~~[to be immediately seized by the~~
19 ~~department]~~.

20 (e) A person who has a ~~[whose]~~ captive cervid permit ~~[is suspended or]~~ revoked or suspended
21 shall not, without the written approval of ~~[from]~~ the department;

22 1. [;] transfer or expand the facility; or

23 2. [or] sell, offer to sell, trade, transport, hunt or slaughter captive cervids that ~~[which]~~ are

1 housed in that facility.

2 (12) ~~[(6)]~~ Appeal procedures. An individual whose request for a permit has been denied or
3 revoked may request an administrative hearing pursuant to KRS Chapter 13B.

4 (13) ~~[(7)]~~ Expansions.

5 (a) A facility may be expanded at any time and shall conform to the fencing specifications
6 described in this administrative regulation.

7 (b) Facility expansions shall be adjacent and connected to the currently permitted facility.

8 (c) Cervids shall not be introduced into the expanded portion of a facility until that expansion has
9 been inspected and approved by the Department as provided in subsection (11) ~~[(4)]~~ of this
10 section.

11 Section 9. Origin and Disposition of Captive Cervids. (1) Cervids obtained from the wild shall
12 only be held by a permitted wildlife rehabilitator ~~[permitted]~~ pursuant to 301 KAR 2:075.

13 (2) Captive cervids shall not be released into the wild except for wild-born cervids released by a
14 permitted wildlife rehabilitator pursuant to 301 KAR 2:075.

15 (3) Wild-born cervids held in captivity for rehabilitation purposes shall not:

16 (a) Be housed in the same pen or otherwise housed in direct physical contact with cervids that
17 were born in captivity; and ~~[or]~~

18 (b) Be housed in a pen that has ever housed cervids that were born in captivity.

19 Section 10. Intrastate Movement of Cervids. (1) Before a person may move a captive cervid
20 within the state, an authorization number shall be obtained from the Kentucky Department of
21 Agriculture pursuant to 302 KAR 20:066.

22 (2) A person transporting cervids shall have the authorization number issued by the Kentucky
23 Department of Agriculture, and if applicable, the required health papers, in ~~[his or her]~~

1 possession while transporting cervids.

2 Section 11. Selling Cervids. A permit holder who holds a [~~commercial~~] captive cervid permit
3 may sell live cervids, parts thereof, or products produced by captive cervids, if those animals
4 were not obtained from the wild in Kentucky.

5 Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

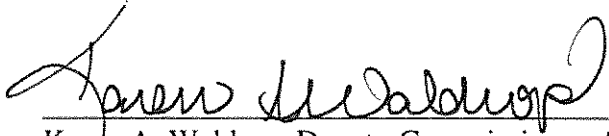
6 (a) "Captive Cervid Permit Application", 2016 [~~7/13/06~~] edition;

7 (b) "Captive Cervid Permit Transfer Application", 2016 [~~7/13/06~~] edition; and

8 (c) "Captive Cervid Facility Inspection Form", 2016 [~~7/13/06~~] edition.

9 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
10 the office of the Department of Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky
11 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

Approved by the Fish and Wildlife Commission



Karen A. Waldrop, Deputy Commissioner, for
Gregory K. Johnson, Commissioner
Department of Fish and Wildlife Resources



Robert H. Stewart, Secretary
Tourism, Arts and Heritage Cabinet

10/7/15

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2015, at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through November 30, 2015.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-7109, Extension 4507
FAX (502) 564-9136
Email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 2:083. Holding and intrastate transportation of captive cervids.

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation regulates the holding and transportation of cervids.

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order to regulate the transportation and holding of cervids to protect native populations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to regulate the buying, selling, or transportation of wildlife. KRS 150.280 authorizes the department to promulgate administrative regulations relating to propagating and holding of wildlife. KRS 150.720 authorizes the department to promulgate administrative regulations pertaining to the importation and holding of cervids, including privately-owned and farm-raised cervids. KRS 150.730 authorizes the department to issue or deny permits to hold captive cervids. KRS 150.735 authorizes the department to promulgate administrative regulations relating to the expansion of captive cervid facilities and the transfer of permits.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in the effective administration of the the statutes by establishing the requirements for the possession, holding, and transportation of cervids in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment phases out the noncommercial captive cervid permit, but grandfathers the current existing permit holders for the remaining life of the captive cervids.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation is necessary in order to protect native cervids from Chronic Wasting Disease. Once it affects cervid populations in a state, it cannot be effectively eradicated with current technology. This regulation also allows for joint suspension with the Kentucky Department of Agriculture.

(c) How the amendment conforms to the content of the authorizing statutes: See 1(c) above.

(d) How the amendment will assist in the effective administration of the statutes:
See 1(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Currently, there are 67 commercial captive permit holders and 23 noncommercial captive permit holders in the state.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Permit holders will not need to

take any action. Persons wishing to hold captive cervids will now only be offered one type of permit instead of two.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost to current facilities that choose to remain with their grandfathered permit.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The native cervid populations will be protected from potential disease transmission, thus benefitting hunters, businesses who benefit from healthy wildlife populations, and other citizens of the Commonwealth.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional cost initially to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost on a continuing basis to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) No, because all persons wishing to hold captive cervids will be treated the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 2:083

Contact Person: Rose Mack

Phone Number: (502) 564-3400

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources' Wildlife and Law Enforcement Divisions will be affected by this regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025, 150.280, 150.720, 150.730, 150.735

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate any additional income for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None This administrative regulation will not generate any additional income for subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional administrative cost for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional administrative cost in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation:

**Summary of Material Incorporated by Reference
and
Summary of Changes to Material Incorporated by Reference**

Summary of Material Incorporated by Reference

- (1) The "Captive Cervid Permit Application", 2016 edition, is a one-page (front only) letter-size form that a person wishing to obtain a Captive Cervid Permit must complete and submit to the Kentucky Department of Fish and Wildlife Resources.
- (2) The "Captive Cervid Permit Transfer Application", 2016 edition, is a one-page (front only) letter-size form that the owner of a currently permitted captive cervid facility who wishes to sell or otherwise transfer the captive cervid facility must complete and submit to the Kentucky Department of Fish and Wildlife Resources ("Department") in order for the transfer to be authorized by the Department.
- (3) The "Captive Cervid Facility Inspection Form", 2016 edition, is a one-page (front only) legal-size form that a person wishing to obtain a Captive Cervid Permit must have completed and signed by a Kentucky Department of Fish and Wildlife Resources Law Enforcement Captain and submitted to the Department before a new captive cervid permit will be issued or an existing permit renewed.

Summary of Changes to Material Incorporated by Reference

- (1) The "Captive Cervid Permit Application", 2016 edition, is a one-page (front only) letter-size form that a person wishing to obtain a Captive Cervid Permit must complete and submit to the Kentucky Department of Fish and Wildlife Resources. The "Captive Cervid Permit Transfer Application", 2016 edition, was amended as follows:
In the upper right-hand corner, the revised date of "7/13/2006" was deleted and replaced with "2016). In the box titled "Office Use Only", a blank line was inserted after "Reviewed by:", the blank line below that was deleted and "Facility ID #: _____" was deleted. In the title of the form, "Commercial and Noncommercial" was deleted on the first line. On the first line below the title, "(Required)" was inserted after "Current permit #". On the next line, "Facility Site Number (Required): _____" was inserted. In Section A., "(Required)" was inserted after "INFORMATION". In Section B., "Required" was inserted after "INFORMATION". "Approximate Size of Facility (acres): _____" was inserted after on the line after "Facility Name (if applicable): _____". In Section C., "(Required)" was inserted after "(check all that apply)". "Odocoileus" was deleted and replaced with "O." and "Cervus" was deleted and replaced with "C.". "☐ Fallow Deer (D. dama)" was inserted before "☐ Other (include scientific names:". In Section D., "YES - \$150.00 fee Commercial Permit" was deleted and replaced with "Captive Cervid Permit - \$150.00 fee". "NO - \$75.00 fee" was deleted. After "Noncommercial", "permit" was deleted and replaced with "Permit - \$75.00 (only those grandfathered permits prior to March 1, 2016)". After "To be renewed every 3 years", the period was deleted. In Section F., the underline was

removed from the word "landowner" and the following was deleted:

Signature of Landowner (if different from applicant)

Date

- (2) The "Captive Cervid Permit Transfer Application", 2016 edition, is a one-page (front only) letter-size form that the owner of a currently permitted captive cervid facility who wishes to sell or otherwise transfer the captive cervid facility must complete and submit to the Kentucky Department of Fish and Wildlife Resources ("Department") in order for the transfer to be authorized by the Department. The "Captive Cervid Permit Transfer Application", 2016 edition, was amended as follows:

In the upper right-hand corner, the revised date of "7/13/2006" was deleted and replaced with "2016". In the box titled "Office Use Only", a blank line was inserted after "Reviewed by:", the blank line below that was deleted, and "Facility ID #: _____" was deleted. "Facility Site Number: _____" was inserted on the line below "Current Permit Number: _____". After "Purchaser/Lessee's Information", "(Required)" was inserted and "(Required)" was deleted in the same section after "Social Security # or FEIN". After "Current Permit Holder's Information", "(Required)" was inserted and "(Required)" was deleted in the same section after "Social Security # or FEIN". After "Facility Information", "(Required)" was inserted. In the same section, "Type of Facility (check one):

☐ Commercial ☐ Non-commercial" was deleted.

- (3) The "Captive Cervid Facility Inspection Form", 2016 edition, is a one-page (front only) legal-size form that a person wishing to obtain a Captive Cervid Permit must have completed and signed by a Kentucky Department of Fish and Wildlife Resources Law Enforcement Captain and submitted to the Department before a new captive cervid permit will be issued or an existing permit renewed. The size of the form was changed from letter-size to legal-size and the Kentucky Department of Fish and Wildlife Resources logo watermark was removed from the form. In addition, the Captive Cervid Facility Inspection Form was amended as follows:

In the upper right-hand corner, the revised date of "7/13/2006" was deleted and replaced with "2016". On the second line of the form, "Latitude: _____ Longitude: _____" was deleted and "Facility Site #: _____" was inserted after "Permit #: _____". On the third line of the form, "All" was inserted after "(Complete)" and "A – F only" was deleted. In section A., "☐ Fallow Deer (*Dama dama*)" was inserted before "☐ Other (please list): _____". In Section H. 1., "Total number of animals present (by species)? _____" was inserted on the third line. "COMMENTS" was deleted at the bottom of the form and "COMMENTS:" was inserted to the left bottom of the form above the signature line. "Latitude: _____ and Longitude: _____" were inserted on the bottom right of the form. "White Copy (Wildlife Division)", "Yellow Copy (Law Enforcement Division)", and "Pink Copy (Applicant)" were deleted from the bottom of the form.